



Promoting the wise use of land  
Helping build great communities

8-1

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

<b>MEETING DATE</b> December 5, 2005	<b>CONTACT/PHONE</b> James Caruso 781-5702	<b>APPLICANT</b> Twist Ranches	<b>FILE NO.</b> CO 04-349 SUB2003-00378
<b>SUBJECT</b> Request by Twist Ranches for a vesting tentative parcel map to subdivide an existing 257.26 acre parcel into three parcels of 80.8 acres, 83.4 acres and 93.2 acres each for the purpose of sale and/or development. The project does not include off-site road improvements. The project will result in the disturbance of approximately 5 acres of a 257.4 acre parcel. The division will not create on-site roads. The proposed project is within the Agriculture land use category and is located on the west side of Creston Rd, due west of the intersection of Creston and Camp 8 roads (9365 Creston Rd) approximately 3 miles north of the community of Creston. The site is in the El Pomar/Estrella planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 04-0349 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study finds that there is no substantial evidence that the project may have a significant effect on the environment, and that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on October 6, 2005 for this project. Mitigation measures are proposed to address biology, agriculture and cultural resources.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Flood Hazard	<b>ASSESSOR PARCEL NUMBER</b> 035-101-043,046, & 050	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> Archaeological resources, Riparian and Wildlife setbacks, Grading and Removal of Vegetation.			
<b>LAND USE ORDINANCE STANDARDS:</b> L.U.O. Section 22.22 Agriculture Category			
<b>EXISTING USES:</b> Two residences and agriculture, including vineyards and grazing.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture <i>East:</i> Agriculture <i>South:</i> Agriculture <i>West:</i> Agriculture			
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag. Commissioner, Assessor, RWQCB, Parks Division, APCD.	
TOPOGRAPHY: Mostly level; 30 +/- acres of moderate slopes; 12 +/- steep slopes	VEGETATION: Scattered oak trees, grape vines, native grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: February 10, 2005

#### ORDINANCE COMPLIANCE:

##### Minimum Parcel Size

Section 22.22.040 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Agriculture land use category. The standards are based either on Land Capability of ag use. In this case, the site qualifies for the proposed parcel sizes based on the land capability test. Each proposed parcel contains Class I-IV soils top qualify for 40 acres parcels.

##### Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

##### Affordable Housing Fees

County Ordinance 2529 establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

##### Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

#### PLANNING AREA STANDARDS:

- A. Archaeological Resources.** All land use permit applications subject to discretionary review that propose development within 100 feet of the bank of a creek (appearing as a solid, dotted, or dashed blue line on the applicable U.S. Geological Survey 7.5 -minute topographic quadrangle map), and within 300 feet of a creek where the slope of the site is less than 10 percent, shall be subject to the following requirements.
- B. Riparian and Wildlife Corridors.** New development in new land divisions and on publicly owned property, and all new development subject to discretionary

review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater,

- C. Grading, Removal of Vegetation, and Fuelbreaks.** The following standards are intended to recognize the importance of agriculture and the need for fuel reduction for forestry and fire protection purposes, while promoting safe and environmentally responsible grading, earthwork, vegetation clearance, and erosion control practices.
- D. Light and Glare.** At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

The proposed subdivision complies with these requirements.

#### COMBINING DESIGNATIONS:

A portion of the site is located within the Flood Hazard designation of the Huer Huero Creek. All development will be outside the flood hazard designation. The area subject to inundation will be shown on the final map.

#### AGENCY REVIEW:

Public Works- Recommend approval.

Environmental Health - Submit well information prior to recordation of the final map.

Ag Commissioner- Recommends limited building areas and installation of ag. water source on Parcel 3.

County Parks - Quimby fees

APCD - No comments on ag divisions

**LEGAL LOT STATUS:** The one lot were legally created by deed at a time when that was a legal method of creating lots.

## FINDINGS - EXHIBIT A

### Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 6, 2005 for this project. Mitigation measures are proposed to address water, wastewater, biological resources, geology and soils and are included as conditions of approval.

### Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Agriculture land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because no improvements are required.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of agriculture and single family residences.
- F. The proposed parcels are physically suitable for the proposed density of the development proposed because the site can adequately support single family residences and secondary dwellings?
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the proposed development envelopes are carefully located to limit that damage.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

## CONDITIONS - EXHIBIT B

### Approved Project

1. Subdivide an existing 257.26 acre parcel into three parcels of 80.8 acres, 83.4 acres and 93.2 acres each for the purpose of sale and/or development. The project does not include off-site road improvements.

### Improvement Plans

2. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

### Fire Protection

3. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

### Parks and Recreation (Quimby) Fees

4. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total ***number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them***

### Affordable Housing Fee

5. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

### Ag Resources

6. Prior to recordation of the final map, non-building areas shall be shown on the additional map sheet. A 2.5 acre building envelope shall be allowed outside the non-buildable areas for each proposed parcel for all accessory uses that are allowed on agricultural lands, including barns, shops, processing and visitor-serving uses. The 2.5 acre area shall be located off soils of statewide importance or potentially prime soils if practicable and shall further be located off of areas of cultural or biological significance.

7. A production agriculture water source capable of irrigating a minimum of 60 acres shall be installed on proposed parcel 3 **prior to recordation of the parcel map**. The Agriculture Department requests that evidence be provided to the Department regarding the size and capacity of this well.

**Additional Map Sheet**

8. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. The limits of inundation from a 100 year storm over lots 1, 2 and 3 from Huer Huero Creek shall be shown on the additional map and note the required building restriction in the on the sheet.
  - b. At the time of application for construction permits for all parcels, the applicant shall submit an exterior lighting plan to the Department of Planning and Building for review and approval. Project CC&Rs shall state that the County Department of Planning and Building review of the lighting plan is required and shall outline the parameters specified below:
    - i. Direct views of all exterior lighting sources shall be shielded from view from Creston Road;
    - ii. Exterior lighting shall be designed to not focus illumination onto exterior walls;
    - iii. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on; and,
    - iv. "White" colored light shall not be used for exterior lighting.
  - c. All development intended for occupancy and residential accessory structures including guest houses shall be located in the one acre building envelopes as shown on the approved tentative parcel map. This envelope shall be located off soils of statewide importance or potentially prime soils. Any structure intended for occupation shall be limited to this building envelope in order to maximize agricultural production capacity on each proposed parcel.
  - d. All successors in interest shall be give notification of the county's Right to Farm Ordinance (County Code, Chapter 5.16).
  - e. **Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** The Kit Fox Evaluation, which was completed for the project Twist Ranches SUB2003-00378, on July 1, 2005, by Mike McGovern, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 74 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3:1 acres conserved for each acre impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

*This mitigation alternative:*

- b. Requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
- c. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (iii) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- d. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- e. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

- f. **Prior to issuance of grading and/or construction permits, or conducting and grading associated with map recordation**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- i. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- iii. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

- iv. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
- a) Potential kit fox den: 50 feet
  - b) Known kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet



v. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

vi. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- g. **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- h. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

- i. **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- j. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- k. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

l. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

m. **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

n. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

o. **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

***Contact Information***

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029

### **Cultural Resources**

9. Prior to recordation of the parcel map, the applicant shall delineate the archaeological site as an Environmentally Sensitive Area on an additional map sheet. All new development (e.g. access roads, driveways, residences, detached garages, guest houses, sheds, utility trenches, agriculture accessory structures) shall be located outside the environmentally sensitive area(s).

### **Water/Wastewater**

10. This subdivision is also subject to the standard conditions of approval for all subdivisions using ***community water and sewer / community water and septic tanks / individual wells and septic tanks***, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

### **Time frames**

11. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
  - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
  - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

8-14



**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (JRC)

**ENVIRONMENTAL DETERMINATION NO. ED004-434**

**DATE: October 6, 2005**

**PROJECT/ENTITLEMENT:** Twist Ranch Parcel Map SUB2003-00378

**APPLICANT NAME:** Walt Nielsen (Twist Ranch)

**ADDRESS:** 9635 Creston Road, Paso Robles, CA, 93446

**CONTACT PERSON:** EMK and Associates

**Telephone:** 805-238-5427

**PROPOSED USES/INTENT:** Request by Twist Ranches to allow for subdivision of an approximate 257.46 acre parcel into three parcels of 80.0, 83.4 and 93.2 acres each for the purpose of sale and/or development, which will result in the disturbance of approximately 2 acres. The division will not create new on-site roads.

County File No: SUB 2003-00378

Assessor Parcel Number: 035,101, 043, 046, 050

Supervisory District 5

**LOCATION:** The proposed project is within the Agriculture land use category and is located at 9635 Creston Road (west side) at the intersection of Camp 8 Road, approximately 3 miles north of the community of Creston. The site is in the El Pomar/Estrella planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on October 20, 2005**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No.** \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*  
☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**

8-15



**San Luis Obispo County**  
**Department of Planning and Building**  
**environmental division**

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

**NOTICE:** During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: October 6, 2005

County: San Luis Obispo

Project No. SUB2003-00378

Project Title: Twist Ranch Parcel Map

**Project Applicant**

Name: Walt Neilsen

Address: 9635 Creston Road

City, State, Zip Code: Paso Robles, CA, 93446

Telephone #: 805-238-2431

Please remit the following amount to the **County Clerk-Recorder:**

<input checked="" type="checkbox"/> Environmental Impact Report	\$ 850.00
<input type="checkbox"/> Negative Declaration	\$ 1250.00
<input type="checkbox"/> County Clerk's Fee	\$ <u>25.00</u>
<b>Total amount due:</b>	<b>875.00</b>

**AMOUNT ENCLOSED:** \_\_\_\_\_

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

8-16



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Twist Ranches Parcel Map CO04-0349 ED 04-434 SUB2003-00378

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- ☒ Aesthetics
- ☒ Agricultural Resources
- ☐ Air Quality
- ☒ Biological Resources
- ☒ Cultural Resources

- ☐ Geology and Soils
- ☐ Hazards/Hazardous Materials
- ☐ Noise
- ☐ Population/Housing
- ☒ Public Services/Utilities

- ☒ Recreation
- ☐ Transportation/Circulation
- ☐ Wastewater
- ☐ Water
- ☐ Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Caruso  
Prepared by (Print)

Signature

Date

John Nall  
Reviewed by (Print)

Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

Date



**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Walt Nielsen (Twist Ranches) for a vesting tentative parcel map to subdivide an existing 257.26 acre parcel into three (3) parcels of 80.8 acres, 83.4 acres and 93.2 acres each for the purpose of sale and/or development. The project does not include off-site road improvements. The project will result in the disturbance of approximately 2 acres of a 257.4 acre parcel. The division will create no new onsite roads. The proposed project is within the Agriculture land use category and is located on Creston Rd, due west of the intersection of Creston and Camp 8 Roads (9365 Creston Rd) approximately 3 miles north of the community of Creston. The site is in the El Pomar/Estrella planning area.

**ASSESSOR PARCEL NUMBER(S):** 035-101-043,046,050

**SUPERVISORIAL DISTRICT #** 1

**B. EXISTING SETTING**

**PLANNING AREA:** El Pomar/Estrella, Rural

**LAND USE CATEGORY:** Agriculture

**COMBINING DESIGNATION(S):** Flood Hazard

**EXISTING USES:** Residences, agricultural uses

**TOPOGRAPHY:** Nearly level to gently rolling

**VEGETATION:** Grasses , vineyards , irrigated pasture

**PARCEL SIZE:** 257acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Agriculture; undeveloped	<i>East:</i> Agriculture; undeveloped
<i>South:</i> Agriculture; undeveloped	<i>West:</i> Residential Rural; undeveloped

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The area is characterized as very low density uses with primarily agricultural uses such as vineyards, pasture and grazing. The area of the project site that will be subject to new development is not readily visible from public roads nor will any project element silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

**Impact.** The area currently experiences very low nighttime lighting levels. Additional development on the site may lead to increased security and residential lighting on the area.

**Mitigation/Conclusion.** Mitigation measures have been proposed to minimize outdoor, nighttime lighting levels. No other mitigation is required.

2. AGRICULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 2. AGRICULTURAL RESOURCES

- *Will the project:*

d) *Other:* \_\_\_\_\_

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

☐
☐
☐
☐

**Setting.** The proposed project site of approximately 260 acres, currently supports two residences, farm worker quarters, and a guest house all located on proposed parcel 2. Additionally, six agriculture-related structures are also located on proposed parcel 2. This site also currently supports the following agricultural uses: 31 acres of wine grapes; 124 acres of irrigated pasture, grain, or hay; 42 acres of dry-farmed grain; and cattle grazing on 25 acres of pasture. Thirty-six acres of the site consist of the Huerhero Creek drainage and existing residential and farm accessory development.

A large portion of the project site contains relatively high quality soils. Approximately 29 acres are classified as "prime soils" and 142 acres are classified as "soils of statewide importance." . The soil types include: Xerofluvents-Riverwash association, Pico fine sandy loam (0-2%), Arbuckle-Positas complex (9-15%) (15-30%), San Ysidro Loam (0-2%), Metz-Tujunga Complex (0-5%), Arbuckle-San Ysidro (2-9%), and Metz Loamy Sand (0-5%). Approx. 30 acres of the site offer little or no ag. value and consists of river-wash associated with the Huer Huero Creek drainage. A large portion of the drainage is utilized for a gravel mining operation.

All parcels immediately surrounding the site are in the Agricultural Land Use Category supporting a variety of intensive production agricultural operations, including wine grapes, irrigated pasture, forage hay, grains and grazing. Less than a mile north of the site is the historic community of Linne. The town of Creston is approximately two miles south.

**Impact.** The Agricultural Commissioner's Office states the proposed project could have a significant impact on the agricultural resource, including loss of prime soils and lack of a developed water source. These impacts are due to potential future development on two of the proposed parcels. However, the areas proposed for development on lots 1 and 3 are not on prime soils. The second concern, the lack of adequate water for agricultural uses on Parcel 3, has also been raised.

**Mitigation/Conclusion.** Mitigation measures have been required that will limit the area of future development of residential and agricultural accessory uses. Also, a water source capable of irrigating at least 60 acres is recommended to be installed. These measures shall protect the agricultural resources on the site.

## 3. AIR QUALITY - *Will the project:*

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

a) *Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?*

☐
☐
☒
☐

b) *Expose any sensitive receptor to substantial air pollutant concentrations?*

☐
☐
☒
☐

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will result in the disturbance of approximately 80,000 square feet for development of two parcels. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting:** Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: San Joaquin Kit Fox (3:1 mitigation ratio).

Habitats: The project is located within the Carrizo vernal pool region.

**Impacts on Kit Fox.** The project will result in the creation of two 1 acre residential building sites on a 257 acre agricultural parcel. Due to the size of the site, a site specific Kit Fox Habitat Evaluation was completed for the project on July 1, 2005, by Mike McGovern. The site specific Kit Fox habitat evaluation was reviewed by the Dept of Fish and Game on July 22, 2005. Based on the results of this review, the proposed site scored a 74, resulting in a 3:1 ratio. Since the amount of site disturbance is unknown at this time, the project will be conditioned so that future building permits will be required to mitigate for the habitat loss prior to building permit issuance. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, etc.), the applicant would be required to mitigate a total of 3 acres of habitat.

**Kit Fox Mitigation/Conclusion.** The applicant will be required to mitigate the loss of kit fox habitat prior to building permit issuance by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

**Impacts on vernal pools:** The future development of the site is limited to one acre building sites on parcels 1 and 3. Parcel 2 is already built out and no future development shall occur. These building sites are located on areas of the site that do not support ponded water or vernal pools.

**Vernal Pool Mitigation/Conclusion.** No impacts are anticipated and no mitigation is necessary.

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<b>5. CULTURAL RESOURCES -</b>				
<b><i>Will the project:</i></b>				
a) <b><i>Disturb pre-historic resources?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Disturb historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Disturb paleontological resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Other:</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** This project is within the territory historically occupied by the Obipeño Chumash. The site is located between the Huer Huero Creek and Creston Road. A Phase 1 surface survey was conducted on December 9 and 13, 2004, by Gibson's Archaeological Consulting. One new prehistoric site was identified along a slightly elevated terrace in the central area of Parcel 3. Low density chipped stone artifacts and burnt rocks were found on what is to be assumed as a seasonal camp site. No cultural resources were found on Parcel 1 or 2.

**Impact.** The proposed parcel map will not disturb any cultural resources including the new archeological site. The proposed development envelopes will not be located on the new archeological site. No impact is expected on any cultural resources associated with this proposal.

**Mitigation/Conclusion.** Mitigation measures have been required that will limit the area of future development of residential and agricultural accessory uses. These measures shall protect the cultural resources on the site.

<b>6. GEOLOGY AND SOILS -</b> <b><i>Will the project:</i></b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b><i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Change rates of soil absorption, or amount or direction of surface runoff?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b><i>Include structures located on expansive soils?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b><i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <b><i>Involve activities within the 100-year flood zone?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <b><i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 6. GEOLOGY AND SOILS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) <b><i>Preclude the future extraction of valuable mineral resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <b><i>Other:</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is nearly level to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The two areas proposed for development are located outside of the 100-year Flood Hazard designation. Huerhuero Creek runs through the western portion of the proposed site. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** - The soil types include: (inland) Pico fine sandy loam Arbuckle-Positas complex (9-15%) (15-30%) San Ysidro loam (0-2%) Metz-Tujunga Complex (0-5%) Arbuckle\_San Ysidro Complex (2-9%) Metz Loamy Sand (0-5%)

**Impact.** As proposed, the project will result in the disturbance of approximately 2 acres of the 257 acre site for the construction of residences.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

## 7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b><i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Interfere with an emergency response or evacuation plan?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Expose people to safety risk associated with airport flight pattern?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences).

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
---	-------------------------	--------------------------------	----------------------	----------------



**9. POPULATION/HOUSING -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

**10. PUBLIC SERVICES/UTILITIES**

*- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. PUBLIC SERVICES/UTILITIES**

*- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- |                                    |                          |                          |                                     |                          |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) <b>Roads?</b>                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <b>Solid Wastes?</b>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <b>Other public facilities?</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <b>Other:</b> _____             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station Meridian FS is approximately 10 miles to the north. The closest Sheriff substation is in Templeton, which is approximately 12 miles from the proposed project. The project is located in the Paso Robles Joint Unified School District.

**Impact.** The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

**11. RECREATION - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) <b>Increase the use or demand for parks or other recreation opportunities?</b> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) <b>Affect the access to trails, parks or other recreation opportunities?</b>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <b>Other</b> _____   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion-** The "Quimby" fee will adequately mitigate the project's impact on recreational facilities.) No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development of the project will access onto the Creston Rd. This road currently operates at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

**Impact.** The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 9-10 trips/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the  
project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, floods, severe limitations identified. These limitations are summarized as follows:

**Flooding** – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

**Impact.** The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system. On site septic systems and leach fields will be located outside of the flood hazard area.

**Mitigation/Conclusion.** The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well and will be located outside of the flood hazard area. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. WATER - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

f) Other: \_\_\_\_\_

☐☐☐☐

**Setting.** The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level with several upland areas outside of the flood hazard designation. Huerhuero Creek runs through the proposed development. As described in the NRCS Soil Survey, the soil surface is considered to have low to high erodibility.

**Impact.** As proposed, the project will result in the disturbance of approximately 2 acres of the 257 acre parcel. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 2 acre feet/year (AFY)

$$2 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 2 lots) = 2.36 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

**15. LAND USE - Will the project:**

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicable

a) **Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?**

☐☐☒☐

b) **Be potentially inconsistent with any habitat or community conservation plan?**

☐☐☒☐

c) **Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?**

☐☐☒☐

d) **Be potentially incompatible with surrounding land uses?**

☐☐☒☐

e) Other: \_\_\_\_\_

☐☐☐☐

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	In file
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	In File
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Fish and Game	In file
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input type="checkbox"/>	Community Service District	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

The following checked ("X") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> El Pomar Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

**Kit Fox Habitat Evaluation, McGovern, July 2005**

**Phase I Archaeological Surface Survey, Gibson, January 2005**



## Exhibit B - Mitigation Summary Table

### Aesthetics

- V-1 At the time of application for construction permits for all parcels, the applicant shall submit an exterior lighting plan to the Department of Planning and Building for review and approval. Project CC&Rs shall state that the County Department of Planning and Building review of the lighting plan is required and shall outline the parameters specified below:
- a. Direct views of all exterior lighting sources shall be shielded from view from Creston Road;
  - b. Exterior lighting shall be designed to not focus illumination onto exterior walls;
  - c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on; and,
  - d. "White" colored light shall not be used for exterior lighting.

### Agricultural Resources

- AR-1 All development intended for occupancy and residential accessory structures including guest houses shall be located in the one acre building envelopes as shown on the approved tentative parcel map. This envelope shall be located off soils of statewide importance or potentially prime soils. Any structure intended for occupation shall be limited to this building envelope in order to maximize agricultural production capacity on each proposed parcel.
- AR-2 Prior to recordation of the final map, non-building areas shall be shown on the additional map sheet. A 2.5 acre building envelope shall be allowed outside the non-buildable areas for each proposed parcel for all accessory uses that are allowed on agricultural lands, including barns, shops, processing and visitor-serving uses. The 2.5 acre area shall be located off soils of statewide importance or potentially prime soils if practicable and shall further be located off of areas of cultural or biological significance.
- AR-3 A production agriculture water source capable of irrigating a minimum of 60 acres shall be installed on proposed parcel 3 **prior to recordation of the parcel map**. The Agriculture Department requests that evidence be provided to the Department regarding the size and capacity of this well.
- AR-4 All successors in interest shall be give notification of the county's Right to Farm Ordinance (County Code, Chapter 5.16).

### Biological Resources

#### San Joaquin Kit Fox:

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** The Kit Fox Evaluation, which was completed for the project Twist Ranches SUB2003-00378, on July 1, 2005, by Mike McGovern, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 74 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3:1 acres conserved for each acre impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. ***Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.***

*This mitigation alternative:*

- a. Requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall

be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting and grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disk, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet

- b) Known kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet
- 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction,**

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

### **Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

(805) 781-5029

## **Cultural Resources**

- CR-1 Prior to recordation of the parcel map, the applicant shall delineate the archaeological site as an Environmentally Sensitive Area on an additional map sheet. All new development (e.g. access roads, driveways, residences, detached garages, guest houses, sheds, utility trenches, agriculture accessory structures) shall be located outside the environmentally sensitive area(s).

August 25, 2005

8-39

**DEVELOPER'S STATEMENT FOR  
TWIST RANCHES PARCEL MAP  
SUB 2003-00378 / CO 04-0349**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Aesthetics**

- V-1 At the time of application for construction permits for all parcels, the applicant shall submit an exterior lighting plan to the Department of Planning and Building for review and approval that, at a minimum, addresses the following:
- a. Direct views of all exterior lighting sources shall be shielded from view from Creston Road;
  - b. Exterior lighting shall be designed to not focus illumination onto exterior walls;
  - c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on; and,
  - d. "White" colored light shall not be used for exterior lighting.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building

**Agricultural Resources**

- AR-1 All development intended for occupancy and residential accessory structures including guest houses shall be located in the one acre building envelopes as shown on the approved tentative parcel map. This envelope shall be located off soils of statewide importance or potentially prime soils. Any structure intended for occupation shall be limited to this building envelope in order to maximize agricultural production capacity on each proposed parcel.
- AR-2 Prior to recordation of the final map, non-building areas shall be shown on the additional

map sheet. A 2.5 acre building envelope shall be allowed outside the non-buildable areas for each proposed parcel for all accessory uses that are allowed on agricultural lands, including barns, shops, processing and visitor-serving uses. The 2.5 acre area shall also be located off soils of statewide importance or potentially prime soils if practicable and shall further be located off of areas of cultural or biological significance.

- AR-3 A production agriculture water source capable of irrigating a minimum of 60 acres shall be installed on proposed parcel 3 **prior to recordation of the parcel map**. The Agriculture Department requests that evidence be provided to the Department regarding the size and capacity of this well.
- AR-4 All successors in interest shall be given notification of the county's Right to Farm Ordinance (County Code, Chapter 5.16).

**Monitoring:** Required prior to issuance of a grading and/or construction permit or recordation of a final map. Compliance will be verified by the County Department of Planning and Building

## Biological Resources

### San Joaquin Kit Fox

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** The Kit Fox Evaluation, which was completed for the project Twist Ranches SUB2003-00378, on July 1, 2005, by Mike McGovern, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 74 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3:1 acres conserved for each acre impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

- BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

### **This mitigation alternative:**

- a. ***Requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.***



- b. Deposit funds into an approved in-lieu fee program, which would provide for the on in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.
- c. Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
- d. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting and grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities

lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the

applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### **Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029

<p><b>Monitoring:</b> Will be verified by the County Planning and Building Department</p>
---

#### **Cultural Resources**

**CR-1** Prior to recordation of the parcel map, the applicant shall delineate the archaeological site as an Environmentally Sensitive Area on an additional map sheet. All new development (e.g. access roads, driveways, residences, detached garages, guest houses, sheds, utility trenches) shall be located outside the environmentally sensitive area(s).

8-45

**Monitoring:** Will be verified by the County Planning and Building Department when the final map is recorded

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

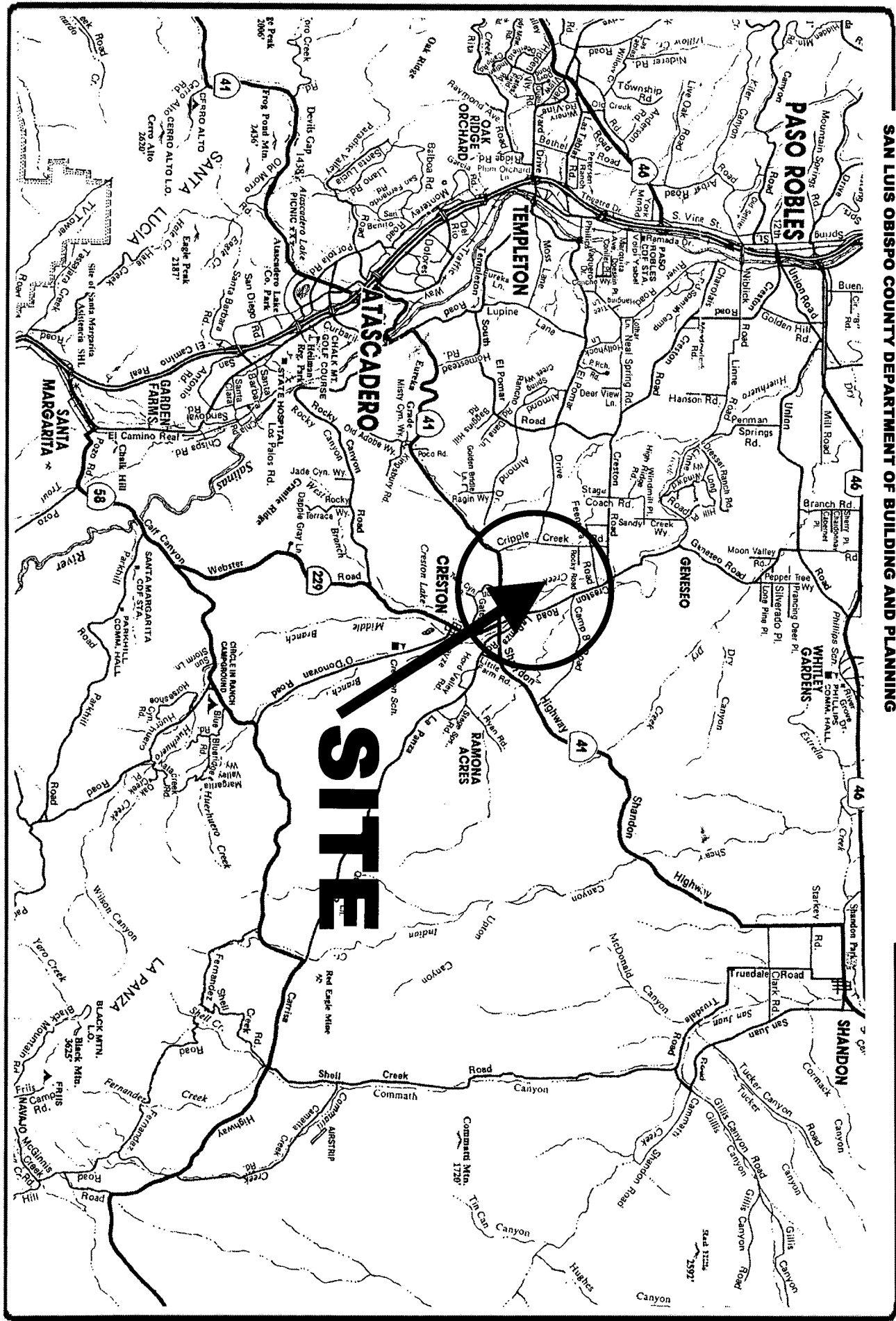
Walter R. Nielsen

Signature of Owner(s)

Date 9-15-08

Walter R Nielsen Pres Twist Ranch Corp.

Name (Print)



PROJECT

Parcel Map

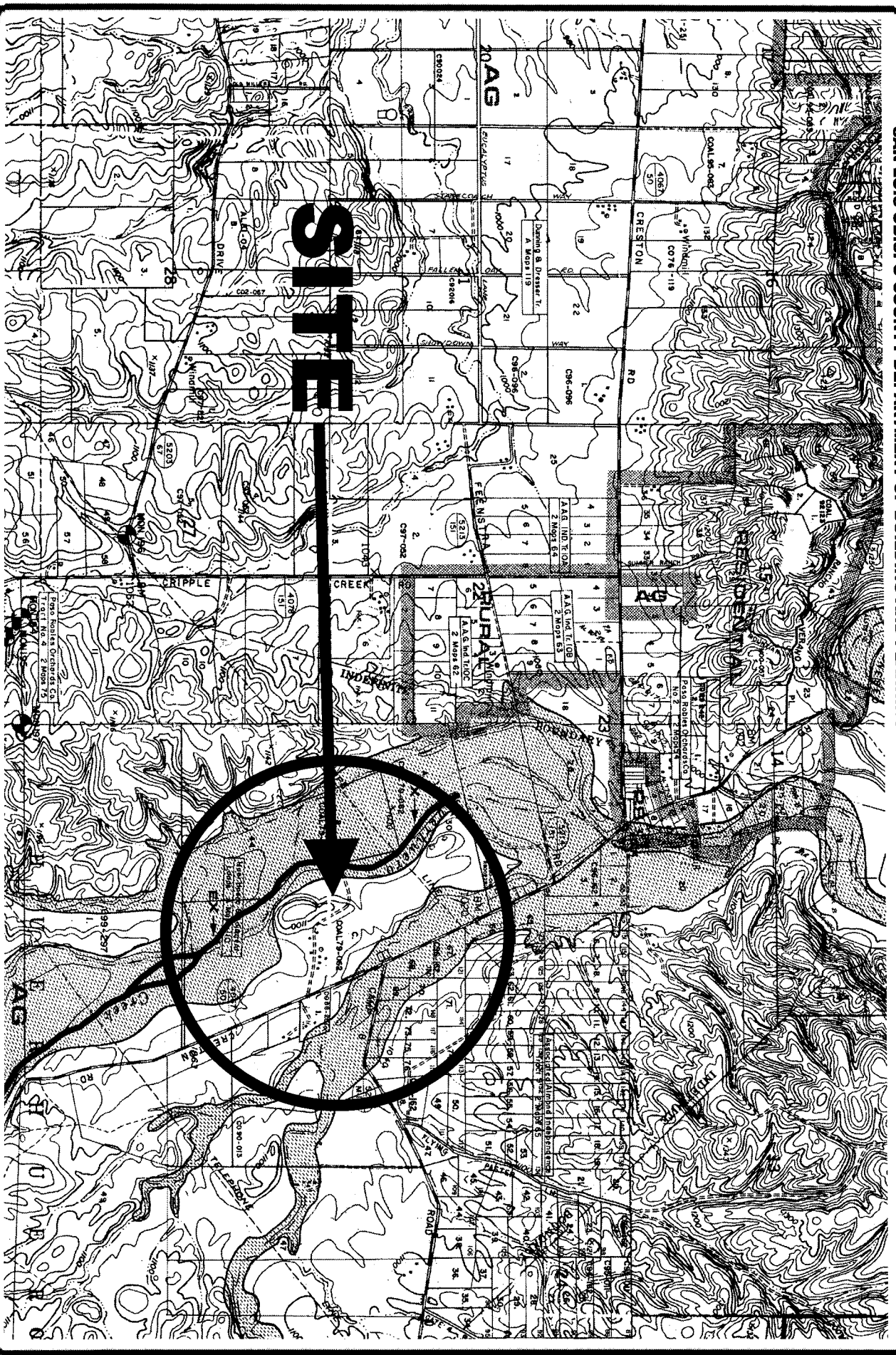
Twist Ranches SUB2003-00378 CO04-0349



EXHIBIT

Vicinity Map

8-47



PROJECT

Parcel Map

Twist Ranches SUB2003-00378 CO04-0349



EXHIBIT

Land Use Category Map



8-48



**PROJECT**

Parcel Map  
Twist Ranches SUB2003-00378 CO04-0349



**EXHIBIT**

Aerial Photograph



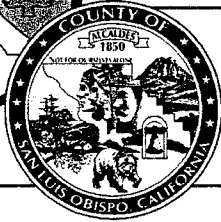


## Parcel Map

Twist Ranches SUB2003-00378 CO04-0349



# Site Plan



## CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

August 3, 2005

James Caruso  
County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Subject: Parcel Map Project # Nielsen/Twist Ranch CO 04-0349

Dear Mr. Caruso,

I have reviewed the referral for the parcel map plans for the proposed three parcel subdivision project located at 9635 Creston Rd. This project is located approximately 10 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

### Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

### **Driveway**

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

### **Water Supply**

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

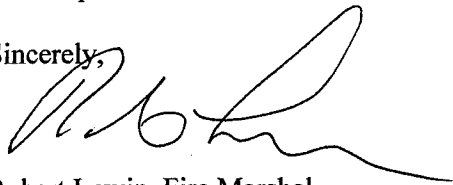
☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

### **Fuel Modification**

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,



Robert Lewin, Fire Marshal  
Battalion Chief

cc:



COUNTY OF SAN LUIS OBISPO

8-52  
MAY 23 2005

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY  
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** May 20, 2005  
**TO:** James Caruso, Senior Planner  
**FROM:** Michael Isensee, Agricultural Resource Specialist *mqd*  
**SUBJECT:** Twist Ranches Parcel Map Sub2003-00378 (AG Dept # 0916)

**SUMMARY OF FINDINGS**

The Agriculture Department's review finds that the proposed Twist Ranches parcel map could result in significant environmental impacts to agricultural resources or operations and recommends the following mitigation measures to reduce the impacts to less than significant:

- Limit future residential development on each parcel, including guest lodging, to a single building envelope located on an area of no more than one acre and off of prime soils;
- Limit accessory agricultural development, including any accessory structures, to no more than 2.5 acres on each parcel;
- Installation of a production agriculture water source to serve proposed parcel 3 prior to recordation of the parcel map; and
- Notification for all future landowners of the county's Right to Farm Ordinance.

Details regarding these measures are enclosed in the report.

The Agriculture Department recognizes that parcelization of agricultural lands can provide economic benefits to agriculturalists and owners of large landholdings. These benefits and other economic factors are important, but not within the scope of the Department's review. The Department reviews potential subdivisions based on the agricultural resources on the existing and proposed parcels in an effort to protect the land resource for the long-term protection of agriculture.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. Please call 781-5753 if I can be of further assistance.

**A. INTRODUCTION**

This report responds to the Planning Department's request for comments on the proposed Twist Ranches Parcel Map project to divide a 257-acre parcel into three parcels.

The Agriculture Department's review is based on information from a site visit, conversations

with the agent and property owner, a review of maps; drawings; aerial photography; land use categories/zoning; soils data; current, current, potential and historical agricultural land use; adjacent land uses; and Agricultural Preserve Status for the proposed project site and surrounding area.

## B. PROJECT INFORMATION

The project site is located on Creston Road across from the intersection of Camp 8 Road. The entire site is approximately 257 acres in size. The applicant is proposing to divide the property into three parcels of 80.8, 83.4, and 93.2 acres in size (proposed parcel 1, 2, and 3, respectively). The proposal would create the parcels based upon the existing use standards, found in the County Land Use Ordinance (22.22.040.C.1). The request for these parcel sizes is based on the underlying capability of the land to sustain an irrigated use as evidenced by past and current agricultural uses on the project site and current irrigation well capacity at the site.

## C. AGRICULTURAL ZONING AND SITE INFORMATION

### *Land Uses and Zoning*

The parcel proposed for division is in the Agriculture (AG) Land Use Category.

At the current time there are two residences, farmworker quarters, and a guesthouse located on the project site (all on proposed parcel 2). An additional six agriculturally related structures are also located on proposed parcel 2. In recent years, the site has been planted with approximately 31 acres of wine grapes; 124 acres of irrigated pasture, grain or hay; and 42 acres of dry-farmed grain. Cattle are grazed on pasture, stubble, and the site's remaining rangeland (approximately 25 acres). Approximately 36 acres of the site consist of the Huerhero Creek drainage and existing residential and farm accessory development.

### *Surrounding Uses and Zoning*

All surrounding parcels are zoned AG. The nearest non-agricultural zoned parcels are located around the historic community of Linne to the north and are zoned Rural Residential and Rural Suburban. The area includes a wide variety of intensive production agricultural operations as well as numerous operations that would more likely be considered hobby farms. Production in the area includes wine grapes, irrigated pasture, forage hay, grains and grazing. Several small fruit, nut and olive orchards have also recently been established in the area. Several large specialized animal facilities are also in the vicinity.

The area in which the project is located is comprised of a wide variety of parcel sizes in the AG category, the result of parcelization prior to current standards to protect agricultural resources. The town of Creston is located approximately 2 miles south of the project, while the historic community of Linne is approximately one-half mile to the north.

### *Water Resources and Agricultural Intensification*

Adequate water resources are available at and around the project site. Development of water resources, as apparent by the large quantity of irrigated pasture in the area, does not appear to be either an economic or resource availability concern. The project site has three agricultural wells: two on proposed parcel 1 and one on proposed parcel 2. One of the wells is utilized solely for the existing vineyard, while the other two are part of a unified irrigation system for

8-54

the irrigated soils on the east side of the project site. There is no well currently located on proposed parcel 3.

### Soils

The site soils consist of a range of relatively high quality soils on rolling hills and large areas of fairly flat ground. The overall site has a large amount of land capable of supporting a variety of intensive agricultural uses. Nearly 29 acres are classified as *prime soils* and an additional 142 acres classify as *soils of statewide importance*, or a soil that nearly meets the definition of prime and can economically produce high crop yields. Approximately 30 acres (11%) of the overall site offers little or no agricultural value and consists of riverwash associated with the Huerhuero Creek drainage. The drainage forms the western boundary of much of the project site. A significant portion of the drainage is utilized for a gravel mining operation.

As Table 1 presents, each of the proposed parcels qualify for subdivision under the Land Capability test of the County Land Use Ordinance, which requires a minimum of 40 acres of *irrigated* soils Class I, II, III, or IV (22.22.040.C.1.). Only soils on site with a current irrigation source are shown in Table 1.

<b>Table 1: SOIL CAPABILITIES FOR SUBDIVISION QUALIFICATION</b>			
Proposed parcels	Class I or II Acres	Class III or IV Acres	Total Acres (Class I-IV)
Parcel 1	17.6	30.7	48.3
Parcel 2	8.4	33.6	42.0
Parcel 3	0.2	62.0	62.2
Soil capability based upon irrigated use of the site soil. A well is not currently installed on proposed parcel 3			

Table 2 presents information on all the site's soils.

**Table 2: PROJECT SITE SOILS**

SOIL ID	SOIL NAME	% SLOPE	AG IRR CLA	AG NONIRR	Parcel 1	Parcel 2	Parcel 3	TOTAL
183	PICO FINE SANDY LOAM	0-2	I	IV	14.7			14.7
208	STILL CLAY LOAM	0-2	I	IV	5.3	8.4	0.2	13.9
106	ARBUCKLE-SAN YSIDRO COMPLEX	2-9	III	IV	1.0	35.0	36.4	72.4
166	METZ LOAMY SAND	0-5	III	IV		0.0	37.6	37.6
197	SAN YSIDRO LOAM	0-2	III	IV	30.6	1.2		31.8
167	METZ-TUJUNGA COMPLEX	0-5	III	IV	6.6	11.4		18.0
102	ARBUCKLE-POSITAS COMPLEX	9-15	IV	IV			1.2	1.2
103	ARBUCKLE-POSITAS COMPLEX	15-30	VI	VI	18.2	21.8	2.1	42.1
212	XEROFLUVENTS-RIVERWASH ASSOCIATION	NA	VI-VIII	VI-VIII	4.7	6.9	17.9	29.5
<b>TOTALS</b>					<b>81.1</b>	<b>84.7</b>	<b>95.4</b>	<b>261.2</b>
Soil types 183 and 208 are considered prime when irrigated. Types 106, 166, and 197 are soils of statewide importance.								

Source: Soil Survey of San Luis Obispo County, California, Paso Robles Area, Natural Resources Conservation Service (formerly Soil Conservation Service), 1983. Soils 183 and 208 are considered prime when irrigated. Soils 106, 166 and 197 are classified as soils of statewide importance.

8-55

#### D. PROJECT EVALUATION

Agriculture Policy 20 of the Agriculture and Open Space Element states that the Agriculture Department should carefully review any proposed division of agricultural land. "The *primary* concern should be that the resulting parcels will maintain the land resources, so they will have a strong likelihood of remaining in long-term sustainable agriculture" (p. 2-39). Further, the County Land Use Ordinance subdivision design standards for Agriculture-zoned lands reiterates that proposed parcels should be of adequate size and design to ensure the long term protection of agricultural resources (22.22.040.A.1.b)

##### *Agricultural Resources*

The proposed subdivision creates 3 parcels sized between 81 and 93 acres, each with about 76 acres of soil capable of supporting intensive agricultural uses. Agricultural uses that could occur on portions of each of the proposed parcels include vineyards, orchards, and row crops. Maintaining adequate land resources on each proposed parcel will be critical to ensuring the ability of long-term sustainable agriculture to occur on each parcel. Without features such as small residential development envelopes and limitations on accessory structures, the proposed division could have adverse impacts to agricultural resources by creating parcels that may not sustain an agricultural use and would likely convert to non-agricultural uses.

##### *Sustainable operations*

In order to be considered a sustainable agriculture-zoned parcel, land division should be based upon the underlying agricultural resources and ability to support an agricultural operation on each proposed parcel. In addition to adequate acreage of cultivated ground, each proposed parcel should have an installed water source and be capable of entering into an agricultural preserve and contract.

As proposed, each parcel has the potential to operate as a sustainable unit based upon the underlying soil potential, water availability in the area, and existing installed agricultural infrastructure (wells and irrigation lines). The only shortcoming in these areas is the lack of a production water source installed on proposed parcel 3. It should also be noted that the existing agricultural uses on the property, namely irrigated pasture and forage hay, may not be sustainable agricultural uses of the proposed parcels. Intensification and diversification may be necessary to sustain long-term agricultural operations on the proposed parcels.

##### *Land Use Compatibility*

The subdivision of the project site into three parcels expands smaller lot sizes into an area with both large and small intensive agricultural operations. Locating residences in areas of intensive agricultural production can lead to conflicts between residential uses and common agricultural practices. However, the proposed parcels are still of an adequate size to provide for separation between agricultural production and neighboring residences, and the purchasers of properties of these sizes should be expected to anticipate intensive agricultural production on adjacent parcels. Right to farm notification will help to ensure that future owners more clearly understand the intensive nature of agricultural operations.

##### *Regional Compatibility*

The region in which this project is located consists of numerous farming operations but also a number of rural residences located in antiquated subdivisions and farm communities. The

proposed project would not lead to an increase in incompatible lot sizes. With adequate conditions to protect their agricultural potential, the proposed parcels should help to provide for continued agricultural production in the area.

#### *Precedent Setting Factors*

The goals of the Agriculture and Open Space Element include maintaining the agricultural land base of the county, establishing land-use policies that support the needs of agriculture without impeding its long-term viability. The creation of 80 to 100 acre parcels in an area with adequate agricultural water resources and quality soils, coupled with conditions to protect the agricultural capability of the proposed parcels, should not set the precedent for the creation of non-sustainable parcels. However, it continues a trend toward the parcelization of large agricultural parcels. Large agricultural parcels provide the best protection of the county's agricultural resources. Additional measures, such as easements to permanently protect the land resources on parcels with large quantities of capable soils and good water resources, are necessary to ensure the long-term sustainability of agriculture for future subdivision proposals of this type.

#### E. RECOMMENDED MITIGATION MEASURES

The Agriculture Department recommends the following measures to help ensure the long-term agricultural sustainability of the proposed parcels. Measures 1 and 2 are already incorporated into the Revised Vesting Tentative Tract Map dated April 29, 2005.

1. Each of the proposed parcels should have a single building envelope limiting residential development, including guest residences, to no more than one acre. This envelope should be located off soils of statewide importance or potentially prime soils. Any structure intended for occupation should be limited to this building envelope in order to maximize agricultural production capacity on each proposed parcel.
2. Accessory uses that are allowed on agricultural lands, including barns, shops, processing and visitor-serving uses, should be restricted to no more than 2.5 acres of each proposed parcel. These should also be located off soils of statewide importance or potentially prime soils if practicable.
3. A production agriculture water source capable of irrigating a minimum of 60 acres should be installed on parcel 3 prior to recordation of the parcel map. The Agriculture Department requests that evidence be provided to the Department regarding the size and capacity of this well.
4. All successors in interest should be given notification of the county's Right to Farm Ordinance (County Code, Chapter 5.16).

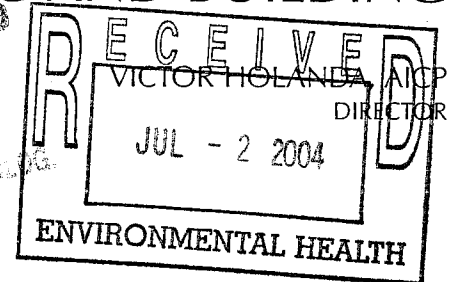




SC  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

8-57 B

CO 04-034  
RECEIVED  
JUL 19 2004  
SLO CO PLANNING



DATE:

TO:

FROM:

7/1/04  
Env. Health  
North Co. Team  
(Please direct response to the above)

EMK & ASSOC.  
SUB2003-00378  
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: IDC Rec. Site / Parcel Map.  
Sub divide 257 Acres into (3) 85+/- acre  
Parcels in order to split. (Fmly. partnership  
dividing / splitting land.)

Return this letter with your comments attached no later than:

7/16/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

\_\_\_\_ YES (Please go on to Part II)  
\_\_\_\_ NO (Call me ASAP to discuss what else you need. We have only 30 days in which  
we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF  
REVIEW?

\_\_\_\_ NO (Please go on to Part III)  
\_\_\_\_ YES (Please describe impacts, along with recommended mitigation measures to  
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of  
approval you recommend to be incorporated into the project's approval, or state reasons for  
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

See attached

Date

7/12/04

Name

A. Salo

Phone

781-5557

8-58



County of San Luis Obispo • Public Health Department

Environmental Health Services

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

June 30, 2004

EMK & Associates, Inc.  
1005 Railroad Street  
Paso Robles, CA 93446

ATTN: **TOBEY OSGOOD**  
RE: **TENTATIVE PARCEL MAP CO 04-0349 (NIELSON-TWIST)**

Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** lot prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation. Any proposal to share a domestic water well would require consultation with Division staff.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met.

CO 04-0349 is approved for Environmental Health subdivision map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c: Kami Griffin, County Planning  
Walt Nielsen, Owner